

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SUSAN JACOBSON and MICHAEL
KALAROFF, her husband

Plaintiff(s)

V.

SYNTHES, INC., et al.

Defendant(s)

Civil Action No. 11-cv-01160 (AET) (DEA)

Hon. Douglas E. Arpert

JOINT PROPOSED DISCOVERY PLAN

1. Set forth the name of each attorney appearing, the firm name, address and telephone number and facsimile number of each, designating the party represented.

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i/s/h/a Synthes, Inc.*
** pro hac vice admission application pending*

2. Set forth a brief description of the case, including the causes of action and defenses asserted.

Plaintiff alleges personal injury (and related loss of consortium claim) in a products liability action involving a prescription medical device.

3. Have settlement discussions taken place? Yes _____ No X

(a) What was plaintiff's last demand?

(1) Monetary demand: \$

(2) Non-monetary demand: \$

(b) What was defendant's last offer?

(1) Monetary offer: \$ _____

(2) Non-monetary offer: \$ _____

4. The parties [have X have not _____] met pursuant to Fed. R. Civ. P. 26(f):

5. The parties [have _____ have not X] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor.

Pursuant to Fed. R. Civ. P. 26(a)(1)(C), time for Initial Disclosures has not yet expired. Parties intend to exchange Initial Disclosures timely.

6. Explain any problems in connection with completing the disclosures required by Fed R. Civ. P. 26(a)(1)

None

7. The parties [have _____ have not X] conducted discovery other than the above disclosures. If so, describe.

8. Proposed joint discovery plan:

(a) Discovery is needed on the following subjects:

Fact and expert discovery is required regarding plaintiff's allegations of injuries and the allegedly defective prescription medical device.

(b) Discovery [should X should not _____] be conducted in phases or be limited to particular issues. Explain.

In cases involving complex medical issues necessitating expert discovery, parties request that fact discovery precede expert discovery

(c) Proposed schedule:

(1) Fed. R. Civ. P. 26 Disclosures May 16, 2011

(2) Discovery conference pursuant to L. Civ. R. 26.1(d) _____

(3) Service of initial written discovery June 2, 2011

(4) Maximum of 25 Interrogatories by each party to each other party.

- (5) Maximum of 5 fact depositions to be taken by each party.
 - (6) Motions to amend or to add parties to be filed by June 15, 2011
 - (7) Factual discovery to be completed by November 2, 2011
 - (8) Plaintiff's expert report due on December 2, 2011
 - (9) Defendant's expert report due on January 9, 2012
 - (10) Expert depositions to be completed by February 20, 2012
 - (11) Dispositive motions to be served within 45 days of completion of discovery.
 - (d) Set forth any special discovery mechanism or procedure requested.
 - (e) A pretrial conference may take place on May 1, 2012.
 - (f) Trial date: May 19, 2012 (X Jury Trial; Non-Jury Trial).
9. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out-of-state witnesses or documents, etc)? Yes No X .
If so, please explain.
10. Do you anticipate any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced?
Yes No X .
- If so, how will electronic discovery or data be disclosed or produced? Describe any agreements reached by the parties regarding same, including costs of discovery, production, related software, licensing agreements, etc.
11. Do you anticipate entry of a Discovery Confidentiality Order? See L. Civ. R. 5.3(b) and Appendix S.


Yes.
12. Do you anticipate any discovery problem(s) not listed above? Describe.
Yes No X
13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise).

If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition or dispositive motions, etc.).

The parties and/or their counsel are sophisticated and experienced. Should there be interest on the part of both parties to pursue settlement discussions, such discussions can be held between the parties with possible mediation also to be considered in the event that both parties agree.

14. Is this case appropriate for bifurcation? Yes _____ No X
15. An interim status/settlement conference (with clients in attendance), should be held in
16. We [do _____ do not X] consent to the trial being conducted by a Magistrate Judge.
17. Identify any other issues to address at the Rule 16 Scheduling Conference.

Attorney(s) for Plaintiff(s) / Date

 4/25/11

Attorney(s) for Defendant(s) / Date